

SCANNED

DATE: 2-6-04

BY: CMG

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

*filed in
Open Court
1/15/04*

NO. MJ-03-907-MBB

UNITED STATES)
)
v.)
)
ROBERT RAMOS)

**DEFENDANT ROBERT RAMOS' MEMORANDUM IN SUPPORT OF
PRE-TRIAL RELEASE**

I. PROCEDURAL HISTORY

On or about December 10, 2003, Robert Ramos (Ramos) was arrested based on a Complaint charging him with Murder for Hire in violation of 18 U.S.C. §1958. His Detention/Release Hearing is presently scheduled for January 15, 2004. Ramos, by way of proffer and argument, now seeks release upon appropriate conditions.

II. STATEMENT OF PURPOSE

This Memorandum is submitted to provide the Court with sufficient information to place the accused, and the accusations, in context. Toward that end, various letters written by family, friends and former employers expressing their thoughts and opinions of the Defendant are attached hereto collectively as Exhibit 1.

III. BACKGROUND OF DEFENDANT

Robert Ramos is a 35 year old male and a citizen of the United States who resides at 121 Sherman Road in Dartmouth, Massachusetts with his girlfriend, Ilione Macedo. Ramos grew up on his parents' farm in Dartmouth, Massachusetts, the second oldest with two brothers and a sister. His childhood was disciplined and filled with the responsibilities of helping to take care of the family farm. He finished the 12th grade and has been a correctional officer at the Bristol House of Corrections for the past 13 years. He has resided in Massachusetts for his entire life. When not working at the prison, he helps cares for his mother, Virginia Ramos, who is suffering from Alzheimer/Dementia symptoms and resides in a nursing home. Ramos has a three year old son with whom he has visitation rights twice weekly and for whom he pays \$200 weekly in child support.

Ramos' stepfather, Antone Almeida, still lives on the family farm in Dartmouth. Mr. Ramos has been consistently working overtime and odd jobs after his overnight shift at the Bristol house of Correction to help make family ends meet, being under a tremendous amount of stress as he has taken it upon himself to care for his mother while also making payments on his home and providing child support.

Ramos has no prior criminal record. It is anticipated that upon his release upon appropriate conditions, he will live with his father, Antone Almeida, at 177 Milton St., S. Dartmouth, Massachusetts. His father Antone, brother Jeff Ramos and girlfriend Ilione Macedo have all agreed to act as a third party custodians should he be released on the proposed conditions.

IV. LEGAL FRAMEWORK

The Pre-Bail Reform Act of 1984" (The Act) presumes that release shall be ordered upon personal recognizance or upon unsecured appearance bond for the majority of Federal defendants. United States v. Berrios-Berrios, 791 F.2d 246, 250 (2nd Cir 1986) quoting S. Rep. at 3189. The legislative history of The Act makes clear that detention is to be the exception, rather than the rule. U.S. v. Holloway, 781 F.2d 124, 125 (8th Cir. 1986) quoting pp. 3-7 from S.Rep. at 3189.

Pretrial detention is authorized only upon proof by the Government that no condition or combination of conditions will either reasonably assure the appearance of the Defendant as required, (standard of proof by a preponderance of the evidence for risk of flight) or will reasonably assure the safety of any other person and the community, 18 U.S.C. 9. 3142(f) (standard of proof by clear and convincing evidence for continuing danger index).

The federal judicial officer must impose the least restrictive bail conditions necessary to ensure public safety assuming, arguendo, that release on personal recognizance or unsecured appearance bond will not provide adequate assurances. 18 U.S.C. ' 3142 (c); U.S. v. Himler, 797 F.2d 156, 161. Section 3142(c) sets out a list of possible conditions which a judicial officer may impose, while Section 3142(g) sets out factors to consider in determining whether any of the aforementioned conditions will in fact reasonably assure safety or appearance.

It is respectfully suggested that the arguments contained in the following sections strongly demonstrate that Robert Ramos is an excellent candidate for release under the proposed surety, reporting, and collateral conditions.

IV. ARGUMENT

A. RAMOS POSES NEITHER A DANGER TO THE SAFETY OF THE
COMMUNITY OR ANY PERSON THEREIN NOR A RISK OF FLIGHT.

Robert Ramos is portrayed as a hardworking, loving, supportive father and member of the community in the attached letters from his family and friends. Ramos poses neither a risk of flight nor a danger to the community should he be released. If released, as stated above, the Defendant plans to reside in Dartmouth, Massachusetts with his father, Antone Almeida.

Robert Ramos' father and siblings and friends are willing to serve as surety/guarantors for him to secure his release. These actions by the individuals who know him best -- their willingness to act as third party custodian/sureties -- are, along with the support reflected in the attached letters a strong indication of the significant support for him and relate to the likelihood/certainty of his appearance for trial as well as to the lack of continuing danger he poses, particularly if released upon the conditions suggested, infra. Robert Ramos is accused of attempting to hire someone to murder the Mother of his child. If this allegation for argument sake was considered legitimate, the fact that charges have been brought against Mr. Ramos would seriously decrease any motivation or desire to arguably follow through with such a threat.

If released, Ramos is going nowhere other than to his father's home, or to his attorney's offices, and as suggested, infra, there are conditions available to secure his presence in Court.

Accordingly, your undersigned respectfully requests that Mr. Ramos be released upon the following conditions:

1. A recognizance bond of \$100,000, collateralized by \$10,000 in cash, which effectively represents all of the money to which he and his friends and family have access; or in the alternative that he and his custodians sign a note promising payment of \$250,000 if he were to be defaulted in this case which could be

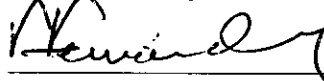
realized through equity in the defendant's and his parent's homes as well as through contributions from Ilione Macedo and Jeff Ramos. The homes are Robert Ramos', 121 Sherman Road, South Dartmouth, MA. and his parents home located at 177 Milton Street, Dartmouth, MA.

2. Remain in the third party custody of his Father, Antone Almeida, who resides at 177 Milton St., S. Dartmouth, Massachusetts; with his brother Jeffrey Ramos and girlfriend Ilione Macedo also acting as third party custodians.
3. Participate in an electronic monitoring program, under House Arrest, when not at employment or other permitted activities;
4. Maintain employment on the terms stipulated by the Court;
5. Agree to have his phone consensually monitored at the home in Dartmouth;
6. Avoid all contact with potential witnesses;
7. Report on a regular basis to Pre-Trial Services, either in person or by phone, as often as is required.

It is respectfully suggested that ordering Ramos' release upon the conditions above constitutes the most just resolution of all competing positions.

Respectfully submitted,

By his attorney,



Jeffrey A. Denner, Esq. BBO# 120520

Frank Fernandez, Esq. BBO# 653771

Denner Associates P.C.

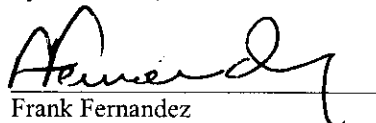
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CERTIFICATE OF SERVICE

I, Frank Fernandez, attorney for the Defendant in the above-captioned action, do hereby certify that on this 15 day of May, 2004, a true and exact copy of the foregoing Memorandum in Support of pre-trial release was served, by hand delivery/first class mail, postage paid, to Emily Schulman, Assistant United States Attorney, One Courthouse Way, Boston, MA 02210.



Frank Fernandez